

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.1  
Eastern Division**

Lashawna Lane–Murray, et al.

Plaintiff,

v.

Case No.: 1:17-cv-08474

Honorable Edmond E. Chang

Jimmy Payton, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Tuesday, April 17, 2018:

MINUTE entry before the Honorable Edmond E. Chang: Status hearing held. As discussed during the hearing, the government's answer concedes that Jacek Kulesza was acting within the scope of his employment at the time of the accident. So, as agreed by all, Jacek Kulesza is dismissed as a Defendant in this action, because the government is the sole proper FTCA defendant in that situation, 28 U.S.C. § 2679(d)(1). The Clerk's Office shall terminate him from the docket. Mandatory Initial Discovery Pilot Project disclosures due 05/14/2018. ESI discovery shall be disclosed by 06/25/2018. The first-round of written discovery requests must be issued no later than 05/29/2018. Rule 16(b) deadline to add parties or amend pleadings is 07/09/2018. Fact discovery shall close by 11/14/2018. Any Rule 26(a)(2) expert disclosures (whether retained or not) are due 30 days after the close of fact discovery, and the 30-day deadline is adjusted automatically if the close of fact discovery is adjusted. No summary judgment motions may be filed before the close of discovery without leave of Court. With regard to Defendant Jimmy Payton, his motion [22] to dismiss is denied: Rule 12(b)(6) motions must assume the truth of the complaint's allegations, and clearly the motion argues the facts. Plaintiff's counsel reported that Payton's video-conference deposition is scheduled for 04/23/2018. Counsel reported that Payton was represented by retained counsel during his criminal prosecution. The Court was informed via email by Payton's counsel, Allan M. Milan, that he does not represent Payton in this case (the Court appreciates Attorney Milan's prompt response to the inquiry). A copy of the email will be attached to this entry. Leave of Court is given to Plaintiff to depose an incarcerated individual, namely, Jimmy Payton. The IDOC facility having custody of Payton shall make him available for the deposition. Status hearing set for 06/07/2018 at 9:00 a.m. The Court requests that Plaintiff's counsel arrange for Defendant Payton's telephonic appearance. The Court notifies Plaintiff's counsel that for information on how to arrange the telephone conference, he should contact Mr. James P. Chapman, who may be reached at [jamespchapman@aol.com](mailto:jamespchapman@aol.com) or 312-593-6998. The Court discussed with the parties that Payton's presence in this case as a party likely will delay the case, so Plaintiff should carefully consider whether it makes sense to pursue him. Emailed and mailed notice(slb, )

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